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10/696,879	10/30/2003	Siong Lee Lim	S104.12-0050/STL 11408	9110

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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/696,879
Filing Date: October 30, 2003
Appellant(s): LIM ET AL.

Leanne R. Taveggia
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 15, 2007 appealing from the Office action mailed October 13, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,214,070 B1	CROWDER et al	4-2001

For the above reasons, it is believed that the rejections should be sustained.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crowder et al (6,214,070 B1).

Crowder et al disclose a data storage system comprising an enclosure (30) configured to house components of the data storage system (col. 1, lines 4-9), the enclosure having an outer surface and an inner surface, an aperture (38) extending between the outer surface and the inner surface of the enclosure (30) wherein the aperture has a larger cross section adjacent the outer surface than adjacent the inner surface (see details of Fig. 8 where the outer surface clearly having larger cross section than the inner surface, col. 5, lines 19-37), and a filter (10, col. 6, lines 23-29) having chemical adsorbent (24) disposed within the aperture (38). Crowder et al further disclose the data storage system as including a seal (20, col. 4, line 1 and lines 34-37), filter support (see Abstract, col. 4, lines 7-11), and a label (48) adhered to the outer surface of the enclosure (col. 6, lines 38-46).

Crowder et al also disclose a method of removing contaminants from air entering a data storage system comprising the steps of providing an enclosure (30) having an inner surface and an outer surface, forming an aperture (38) having larger cross section adjacent the outer surface than the cross section adjacent the inner surface (see details of Fig. 8), depositing a filter (10) within the aperture (38) to filter air entering the enclosure through the aperture (38), and adhering a label (48) to the outer surface of the enclosure.

Claims 1-10 and 12-22 differ from the disclosure of Crowder et al in that the diameter of the aperture continuously tapers from the outer surface to the inner surface of the enclosure". Crowder et al show clearly in Fig. 8 that the aperture (38) of the enclosure (32) has diameter larger on the outside and smaller on the inside and is tapered. Regardless, it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modification. *Eskimo Pie Corp v. Levous et al 3 USPQ 23*.

(10) Response to Argument

Apellant's main argument is that the cited prior art Crowder et al does not teach the structure of the aperture "wherein a diameter of the aperture continuously tapers from the outer surface to the inner surface of the enclosure" and states a reason that "a continuously tapered aperture affects the functional support of a filter in an aperture of an enclosure. A continuously tapered aperture in an enclosure supports the filter along its entire periphery resulting in a stably placed filter as well as provides repeatable accuracy in positioning of the filter". The Examiner respectfully disagrees. Crowder et al clearly show in Fig. 8, the aperture (38) of the enclosure (32) has diameter larger on the outside and smaller on the inside and is clearly tapered. According to the Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc. Publishers, 1991, on page 1206, "taper" is defined as "progressively narrowed toward one end". Clearly, in Figure 8, the aperture (38) of the enclosure (32) has diameter larger on the outside and smaller on the inside and is progressively narrowed from the outside toward the inside, or being tapered. Regarding to Appellant's statement "a continuously tapered aperture in an

enclosure supports the filter along its entire periphery resulting in a stably placed filter as well as provides repeatable accuracy in positioning of the filter", there is no support whatsoever in the claim language or in the specification of the configuration of a filter element to accommodate the "support of filter along its entire periphery" in "a continuously tapered aperture". The claim merely calls for "a filter disposed within the aperture", or simply any shape of filter can be disposed in the aperture.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Minh-Chau Pham/

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